

**RESOLUTION NO**

# 37  
10-18-07

**WHEREAS**, each year, the City of Austin enters into multiple third party agreements, which provide for the construction of public improvements or improvements to City real property by a third party rather than through a direct contract between the City and a general contractor, and

**WHEREAS**, such third party agreements include developer participation agreements, economic development agreements, ground lease agreements, and other third-party agreements negotiated between the City and private entities desiring to develop City-owned property (“Eligible Third-party Agreements”), and

**WHEREAS**, the City desires that the City’s Eligible Third Party Agreements comply with the standards and principles of the City’s M/WBE Ordinance, **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN**

- 1 It is the policy of the City that Eligible Third Party Agreements comply with the standards and principles of the City’s M/WBE Ordinance
- 2 Eligible Third Party Agreements are to contain contract terms requiring compliance with the standards and principles of the City’s M/WBE Ordinance

- 3 Consistent with the standards and principles of the M/WBE Ordinance, Eligible Third-party Agreements will include the establishment of ethnic specific M/WBE utilization goals, and a requirement that contractors and consultants on the subject project either meet the ethnic specific M/WBE utilization goals or demonstrate a good faith effort to meet the goals
- 4 When applicable, Eligible Third-party Agreements shall include the requirement of an outreach program designed to solicit participation of minority-owned businesses, women-owned businesses and small businesses When applicable, a DSMBR-facilitated networking event shall also be held
- 5 The requirement to comply with the standards and principles of the M/WBE Ordinance shall be included in the City's solicitation documents, if any, for the subject project
- 6 The requirement to comply with the standards and principles of the M/WBE ordinance shall be addressed and negotiated at the earliest stages of negotiation of Eligible Third-party Agreements so as to allow ample opportunity for the standards and principles of the M/WBE Ordinance to be fully incorporated into the agreement and other contract documents
- 7 The City employees who negotiate Eligible Third Party Agreements will be trained in the standards and principles of the M/WBE ordinance in order to carry out the directives of this resolution

- 8 Eligible Third Party Agreements will include periodic reporting requirements to allow DSMBR to track compliance with the negotiated standards and principles of the M/WBE Ordinance
- 9 Eligible Third Party Agreements do not include (1) agreements for the sale of land in which no continuing contractual relationship will exist between the purchaser and the City, (2) interlocal agreements administered by another governmental entity, and (3) agreements for privately-funded public improvements incidental to private development

**ADOPTED** \_\_\_\_\_, 2007 **ATTEST** \_\_\_\_\_  
Shirley A Gentry  
City Clerk